IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18030 of 2006(U)

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PETITIONER:

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SHAJAHAN.A,
LOWER DIVISION CLERK,
PRIMARY HEALTH CENTRE VORKADY,
VORKADY POST, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE DISTRICT MEDICAL OFFICER (HEALTH),
KASARAGOD KANHANGAD,
KASARAGOD DISTRICT.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY AFFAIRS,
SECRETARIAT, THIRUVANANTHAPURAM.

4. AJITHAKUMARI.K.S,
JUNIOR PUBLIC HEALTH NURSE,
PRIMARY HEALTH CENTRE,
VORKEY, KASARAGOD DISTRICT.

5. SURENDRAN,
ADMINISTRATIVE ASSISTANT,
OFFICE OF THE DISTRICT MEDICAL OFFICER,
KASARAGOD, KANHANGAD.

6. THE MEDICAL OFFICER,
PRIMARY HEALTH CENTRE, VORKADY,
KASARAGOD DISTRICT.

7. SRI.ABY, LOWER DIVISION CLERK,
P.H.C.VANINAGAR, KASARAGOD DISTRICT.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER OF POSTING OF THE PETITIONER DATED 2.9.2005 ISSUED BY THE FIRST RESPONDENT.

EXT.P2: COPY OF THE COMMUNICATION FROM THE MEDICAL OFFICER PHC VORKADY TO THE DISTRICT MEDICAL OFFICER ALONG WITH THE NOTE PUT UP BY THE PETITIONER.

EXT.P3: COPY OF THE ORDER DATED 12.6.2006 TRANSFERRING THE PETITIONER FROM PHC VORKADY TO PHC BAYAR.

EXT.P4: COPY OF THE REQUEST SUBMITTED BY THE PETITIONER FOR RETAINING THE PETITIONER IN PHC VORKADY ITSELF ALONG WITH A COVERING LETTER OF THE MEDICAL OFFICER.

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BKN // TRUE COPY //

K. BALAKRISHNAN NAIR, J.

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W.P.(C) No.18030 of 2006

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Dated this the 25th June, 2007.

**JUDGMENT**

The petitioner, who was an Upper Division Clerk in the Primary Health Centre, Vorkady, has been transferred to Primary Health Centre, Bayar, by Ext.P3 proceedings of the District Medical Officer (Health), Kasaragod. It would appear that all the transfers, including that of the petitioner, made as per Ext.P3, were on the request of the incumbents concerned. But, petitioner submits that he never made any request. Further, it is pointed out that he has been posted at Vorkady about nine months back and has not completed his tenure there. He also has got a case that his transfer is vitiated by mala fides. According to him, he has declined to countersign a medical reimbursement application of the 4th respondent and that is the reason behind Ext.P3 order.

2. I heard the Government Pleader for the official respondents. According to the Government Pleader, the mention in Ext.P3 that the transfers are made on request, is a mistake. It is also submitted

that the transfer is to a nearby station. He further submitted that in view of the dispute between the petitioner and the 4th respondent, the transfer has been ordered, in the interest of administration.

3. Because of the interim order of this Court, the transfer has not been implemented so far. The same need not be implemented for the time being. But, I make it clear that if, in future, the transfer of the petitioner is found necessary in public interest, this judgment will not be a bar for such transfer.

This writ petition is disposed of as above.

**K. BALAKRISHNAN NAIR,**
**JUDGE.**

vav.